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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,967	10/24/2003	Renne Cano	321-001	1848
33354	7590	09/29/2004	EXAMINER	
SANDRA L. ETHERTON ETHERTON LAW GROUP, LLC PO BOX 27843 TEMPE, AZ 85285-7843			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/692,967	CANO ET AL.	
Examiner	Art Unit	
Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/24/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Romberg (US 3,845,804).

As to claim 1, Romberg discloses a barrier system comprising:

a) means **30** for cutting objects attempting to penetrate an opening; and

b) means **32,36** for connecting the means for cutting in order to form a substantially planar barrier (Figure 1).

As to claim 2, Romberg discloses a system comprising means **32** for separating the means **30** for cutting from its surroundings, so as to prevent accidental cutting of proximately moving objects (moving between wire strands **30**; Figure 1).

As to claim 3, Romberg discloses a system wherein the means **32** for separating is transparent (one can see through the openings in wire stays **32**; Figure 1).

As to claim 4, Romberg discloses a system wherein the barrier is substantially rectangular (Figure 1).

As to claim 5, Romberg discloses a system comprising means **42** for retracting the means **30** for cutting (Figure 1).

As to claim 6, Romberg discloses a system comprising means **82,116** for compartmentalizing the means **42** for retracting (Figure 1).

As to claim 7, Romberg discloses a system in which the means **32,36** for connecting are such that the barrier is expandable and compressible (Figure 1).

As to claim 8, Romberg discloses a system wherein the means **30** for cutting comprises barbed tape (Figure 1).

As to claim 9, Romberg discloses a system wherein the means **30** for cutting comprises barbed wire (Figure 1).

As to claim 10, Romberg discloses a barrier system comprising:

- a) a plurality of cutters **30** connected to one another to form strips; and
- b) a plurality of strips connected to each other to form a substantially planar

barrier (Figure 1).

As to claim 11, Romberg discloses a system comprising a separator **32** to separate the plurality of cutters **30** from their surroundings, so as to prevent accidental cutting of proximately moving objects (moving between wire strands **30**; Figure 1).

As to claim 12, Romberg discloses a system wherein a separator **32** is transparent (one can see through openings in wire stays **32**; Figure 1).

As to claim 13, Romberg discloses a system wherein the barrier is substantially rectangular (Figure 1).

As to claim 14, Romberg discloses a system comprising a retractor **42** to retract the plurality of cutters **30** (Figure 1).

As to claim 15, Romberg discloses a system comprising a compartment **96,116** to compartmentalize a retractor **42** (Figure 1).

As to claim 16, Romberg discloses a system in which the plurality of strips **30** are connected such that the barrier is expandable and compressible (Figure 1).

As to claim 17, Romberg discloses a system wherein the plurality of cutters **30** comprises barbed tape (Figure 1).

As to claim 18, Romberg discloses a system wherein the barbed tape **30** comprises retainer barbs (Figure 1).

As to claim 19, Romberg discloses a system wherein the plurality of cutters **30** comprises barbed wire (Figure 1).

As to claim 20, Romberg discloses a method of making a barrier system comprising connecting a plurality of strips **30** of barbed tape at spaced locations to form a barrier sheet (Figure 1).

3. Claims 1, 4, 7-10, 13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobson (US 4,666,129).

As to claim 1, Dobson discloses a barrier system comprising:

- a) means **12** for cutting objects attempting to penetrate an opening; and
- b) means **21** for connecting the means for cutting in order to form a substantially planar barrier (Figures 1, 3 and 7).

As to claim 4, Dobson discloses a system wherein the barrier is substantially rectangular (Figure 7).

As to claim 7, Dobson discloses a system in which the means for connecting **21** are such that the barrier is expandable and compressible (Figure 7).

As to claim 8, Dobson discloses a system wherein the means **12** for cutting comprises barbed tape (Figure 1).

As to claim 9, Dobson discloses a system wherein the means **12** for cutting comprises barbed wire (Figure 7).

As to claim 10, Dobson discloses a barrier system comprising:

- a) a plurality of cutters **12** connected to one another to form strips; and
- b) a plurality of strips connected to each other to form a substantially planar barrier (Figure 1 and 7).

As to claim 13, Dobson discloses a system wherein the barrier is substantially rectangular (Figure 7).

As to claim 16, Dobson discloses a system in which the plurality of strips **12** are connected such that the barrier is expandable and compressible (Figure 7).

As to claim 17, Dobson discloses a system wherein the plurality of cutters **12** comprises barbed tape (Figure 1).

As to claim 18, Dobson discloses a system wherein the barbed tape **12** comprises retainer barbs (Figure 1).

As to claim 19, Dobson discloses a system wherein the plurality of cutters **12** comprises barbed wire (Figure 1).

As to claim 20, Dobson discloses a method of making a barrier system comprising connecting a plurality of strips **12** of barbed tape at spaced locations to form a barrier sheet (Figures 1 and 7).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to barrier systems:

Mainiero et al. (US 4,484,729) is cited for pertaining to systems having means for cutting and means for connecting.

Melaun (US 1,920,416), Coyle et al. (US 5,787,642) and Donnelly (US 5,437,134) are cited for pertaining to systems having means for retracting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
09/21/04



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